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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,555	03/22/2001	David B. Squires	X-857 US	6451

24309 7590 06/22/2004

XILINX, INC
ATTN: LEGAL DEPARTMENT
2100 LOGIC DR
SAN JOSE, CA 95124

EXAMINER

HUYNH, KIM NGOC

ART UNIT	PAPER NUMBER
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2182

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DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/815,555

Applicant(s)

SQUIRES, DAVID B.

Examiner

Kim Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE filed 4/19/03.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 10-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- ☐ Interview Summary (PTO-413) Paper No(s). _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/19/04 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4, 5-6, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Akao (US 5,307,464).

Claims 1 and 6, Akao discloses (Figs. 1-2 and 8-10) a system having menu allowing user to select one of a plurality of configurable logic devices (see Fig. 10), an integrated circuit 1 (see Figs. 1-2) having a bus (7-8, 11) connecting a processor core 2 to a configurable peripheral device (3-5) having a configurable logic control block (col.

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5, II. 8-12) capable of implementing a plurality of logic functions (col. 2, II. 10-17, 47-67 and col. 3, I. 59 through col. 4, I. 9).

Claim 4, Akao discloses the peripheral and bus are implemented on a FPGA (see Figs. 15-17 and 20).

Claims 2, 5, and 10, Akao discloses the configurable peripheral devices (peripheral functions) are versatile and can be of counter, timer, serial communication (UART), ROM, RAM (flash memory controller) (col. 1, I. 30-47).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 11-13 are rejected under 35 U.S.C. 103(a) as being obvious over Akao in view of applicant's admission (paragraphs 15-16).

Akao discloses the claimed invention of claims 1 and 6 above; Akao does not explicitly disclose user selectable options (baud rate, width size, and error correction selector). However, the baud rate, width size, and error correction codes are property of a particular peripheral device to enhance its transmission operation.

Akao discloses a flexible and versatile system allowing the users to easily set and modify the peripheral functions in the his own way via programmable logic control (background and summary of the invention). Applicant admitted that the choice of

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user selectable options are various and can be tailored to meet the needs of the user; therefore, it would have been obvious to one having ordinary skill in the art to modify the system of Akao for the user to select options that is related to the peripheral being connected to the system based on the user's need and the operational specification of the peripheral device as intended Akao (col. 1, ll. 7-17).

Response to Arguments

6. Applicant's arguments filed 4/19/4 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amendment.

As for the argument that the ROM and RAM of Akao are hardwired and therefore not configurable logic blocks. The examiner disagrees, please note the ROM, RAM, and the address register are gate arrays which are field programmable; therefore by definition, these elements are FPGA. It is unclear what applicant means by the ROM and RAM of Akao are "hardwired" Furthermore, the

As for the argument that the peripheral devices of Akao are not FPGA, please note the ROM, RAM, and the address register are gate arrays which are programmable and therefore by definition, are FPGA. It is unclear what applicant means by the ROM and RAM of Akao are "hardwired" and therefore not configurable logic blocks. It is also unclear how these programmable devices of Akao distinguish from the configurable logic blocks of the claimed invention.

Please note the recitation of the configurable logic control block is not limiting, the limitation is broad and any type of control logic would read on this limitation.

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Huynh whose telephone number is (703) 308-1678.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to read 'Kim Huynh', with a long horizontal stroke extending to the right.

Kim Huynh
Primary Examiner
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KH
6/18/04